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January 30, 2006

Mr. Charles L. A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, South Carolina 29210

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COMMUNICATIONS
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**Re: Complaint of Time Warner Cable Information Services (South Carolina),
LLC v. PBT Telecom, Inc.
Docket No. 2005-405-C**

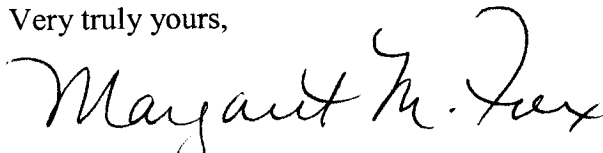
Dear Mr. Terreni:

Enclosed for filing on behalf of PBT Telecom, Inc., please find an original and (10) copies of an Answer in the above-referenced matter. By copy of this letter and Certificate of Service, all parties of record are being served by U. S. Mail with a copy of this Answer.

Please clock in a copy of this filing and return it to us by our courier.

Thank you for your assistance.

Very truly yours,


Margaret M. Fox

MMF/rwm
Enclosures

cc: Parties of Record

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2005-405-C

Time Warner Cable Information Services)
(South Carolina),)
)
Complainant/Petitioner)
)
vs.)
)
PBT Telecom, Inc.,)
)
Defendant/Respondent)
)
_____)

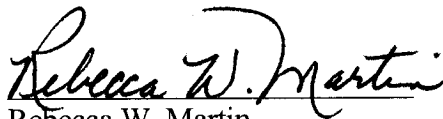
CERTIFICATE OF SERVICE

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SOUTH CAROLINA
PUBLIC SERVICE COMMISSION

I, Rebecca W. Martin, Secretary for McNair Law Firm, P. A., do hereby certify that I have this date served one (1) copy of an Answer on behalf of PBT Telecom, Inc. in the above-referenced matter on the following parties of record by causing said copies to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below.

Frank R. Ellerbe, III, Esquire
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January 30, 2005

Columbia, South Carolina

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO. 2005-405-C

Time Warner Cable Information Services)
(South Carolina),)
)
Complainant/Petitioner)
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)
PBT Telecom, Inc.,)
)
Defendant/Respondent)
)
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ANSWER

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PBT Telecom, Inc. ("PBT") respectfully submits this Answer to the Complaint of Time Warner Cable Information Services (South Carolina) ("TWCIS"). PBT answers the Complaint, and replies to the allegations set forth by TWCIS in its Complaint as follows:

1. PBT denies each and every allegation of the Complaint not herein specifically admitted and demands strict proof thereof.

FOR A FIRST DEFENSE

2. With respect to the allegation contained in Paragraph 1, PBT admits that TWCIS currently holds a certificate to provide certain services in specified areas within the State of South Carolina, and avers that Commission Order No. 2004-213, including the findings and conclusions contained therein, speaks for itself.

3. Responding to Paragraph 2, PBT lacks information or belief sufficient to admit or deny TWCIS' legal name and principal place of business and, therefore, denies same.

4. Upon information and belief, PBT admits the allegations contained in Paragraph 3.

5. PBT admits the allegations contained in Paragraph 4.

6. Responding to Paragraph 5, PBT admits that TWCIS currently holds a certificate to provide certain services in specified areas within the State of South Carolina, but notes that the certification is for authority to provide telecommunications services. PBT lacks information or belief sufficient to admit or deny the nature of the services actually being provided by TWCIS in South Carolina. PBT further notes that although the Commission in Order No. 2005-412 referenced the ability of TWCIS to enter into negotiations as a telecommunications carrier, the Commission nevertheless clarified its position in its subsequent Order Denying Rehearing or Reconsideration (Order No. 2005-484) by stating that TWCIS may be entitled to seek interconnection if the Internet Protocol service TWCIS desires to provide is a “telecommunication service” under the Telecommunications Act of 1996 (“the Act”), 47 U.S.C. § 153, and if TWCIS satisfies the definition of a “telecommunications carrier.” Further responding to Paragraph 5, PBT lacks information and belief sufficient to admit or deny allegations regarding the “desires” and “needs” of TWCIS. PBT denies the remaining allegations.

7. Responding to Paragraph 6, PBT avers that the language of Section 251(c)(1) of the Act speaks for itself. Further, PBT denies that it has any obligation under Section 251(c). See Section 251(f)(1)(A) of the Act.

8. PBT admits so much of the first sentence of Paragraph 7 as alleges that TWCIS submitted an interconnection request, but denies that such request was “bona fide.” PBT admits the second sentence of Paragraph 7, except to clarify that PBT’s counsel indicated that PBT

would negotiate with TWCIS “pursuant to the applicable state and federal rules and regulations.” PBT lacks information or belief sufficient to admit or deny the dates on which correspondence was sent or received by TWCIS and, therefore, denies same. PBT denies that it “refused” to negotiate with TWCIS, as PBT informed TWCIS that it was “willing to continue discussions to negotiate an agreement for the exchange of traffic with TWCIS.”

9. PBT denies the allegations contained in the first sentence of Paragraph 8. As the referenced letter shows, while PBT stated its belief that TWCIS’ request does not fall within Section 251 of the Act, PBT nonetheless indicated its willingness to enter into negotiations for an agreement to interconnect for the purpose of exchanging telecommunications traffic. PBT denies the remaining allegations contained in Paragraph 8, and demands strict proof thereof.

FOR A SECOND DEFENSE

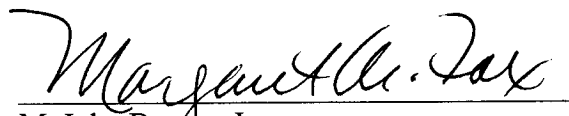
10. The responses set forth in Paragraphs 1-9 above are reasserted as if set forth fully herein and are incorporated hereby by reference.

11. TWCIS has failed to state a cause of action against PBT upon which relief may be granted and TWCIS’ Complaint should, therefore, be dismissed.

12. Moreover, Section 251 of the Act does not apply because TWCIS is not acting as a “telecommunications carrier,” as contemplated by the Act, for the service it proposes to provide in areas served by PBT, and, therefore, is not entitled to interconnection with PBT under Section 251 of the Act.

WHEREFORE, having fully answered the Complaint, PBT Telecom, Inc. respectfully requests that the Commission deny the relief sought by TWCIS in its Complaint for the reasons stated herein and accordingly dismiss the Complaint, and order such other and further relief as is just and proper.

Respectfully submitted,

A handwritten signature in cursive script, reading "Margaret M. Fox", written in black ink.

M. John Bowen, Jr.
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Attorneys for PBT Telecom, Inc.

January 30, 2006

Columbia, South Carolina.